Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
CLERK

NO. 89-156
IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1989

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC WELFARE, et al.,
Petitioners

v.

EDWARD J. AND DEBORA A. DAVENPORT,
Respondents

On Writ Of Certiorari
To The United States Court Of Appeals
For The Third Circuit

JOINT APPENDIX

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Attorney General

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Counsel of Record

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(Counsel Continued on Inside Cover)

Petition for Certiorari Filed July 26, 1989; Certiorari Granted October 2, 1989

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Counsel for Petitioner
Adult Probation and Parole Department
of the Court of Common Pleas
of Bucks County, Pennsylvania

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Edward J. and Debora A. Davenport

TABLE OF CONTENTS

	PAGE
Relevant Docket Entries.....	1a
Chapter 13 Voluntary Joint Petition.....	7a
Certification as to Prior Petition.....	11a
Statement Under Bankruptcy Rule 2016(2).	12a
Debtors Statement of Intent Under U.S.C. § 521(2).....	13a
Chapter 13 Summary Sheet.....	14a
Official Form No. 10 (Listing Unsecured Debts).....	17a
Chapter 13 Plan of the Debtors...	20a
Complaint to Determine Dischargeability of Debt.....	26a
Department of Public Welfare's Answer to Complaint to Determine Dischargeability of Debt.....	39a
Answer of Defendant Court of Common Pleas of Bucks County, Adult Probation and Parole Department.....	43a

TABLE OF CONTENTS CONTINUED

	PAGE
Stipulation for Supersedeas.....	47a
Exhibits Introduced at Hearing Before Bankruptcy Court	
Criminal Information Charging Deborah Davenport.....	56a
Bucks County Sentence Sheet (Deborah Davenport).....	58a
Criminal Information Charging Edward J.Davenport.....	63a
Bucks County Sentence Sheet (Edward J. Davenport).....	65a
Probation & Parole Data History Sheet (Edward J. Davenport).....	70a
Probation & Parole Data History Sheet (Deborah Davenport).....	72a
Opinion and Order of the Bankruptcy Court dated March 8, 1988....Pet.App.	68a-104a
Opinion and Order of the District Court dated July 29, 1988....Pet. App.	59a-67a
Opinion of the Court of Appeals dated March 28, 1989.....Pet. App.	1a-58a

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v.

EDWARD J. AND DEBORA A. DAVENPORT,
Respondents

On Writ Of Certiorari
To The United States Court Of Appeals
For The Third Circuit

(E.D. BANKRUPTCY COURT No. 87-02395F)

RELEVANT DOCKET ENTRIES

Date	No.	Proceedings
1987		
5/15	1	Petition, Certification of Chapters and Statement of Intent.
5/15	2	Matrix
5/15	3	Application to pay filing fees in installments.
5/15	4	Order Entered to pay filing fees in installments as follows: $22.50 on or before June 15, 1987 $22.50 on or before July 15, 1987 $22.50 on or before August 17, 1987 $22.50 on or before September 15, 1987 (3 notices mailed)
5/15	5	Local Rule 1017.2, Edward Sparkman.
5/15	6	Certificate of mailing Procedural Order #1. (1 notice mailed)
5/29	7	Chapter 13 Statement, Debtors' Certification in lieu of Supplemental Statement, Chapter 13 Summary Sheet, Plan.

Date	No.	Proceedings
6/1	8	Praecipe to substitute the Amended Matrix List.
6/18	9	Notice of Creditors Meeting scheduled for July 13, 1987 at 2:00 p.m and Confirmation for October 20, 1987.
7/30	10	Notice of Hearing to consider dismissal for failure to pay filing fees scheduled for September 15, 1987 at 10:00
8/12		Complaint of Debtor v. Commonwealth of Pa., et al. to Determine Dischargeability of a Debt
10/20		Confirmation Hearing Held and Concluded.
10/20	11	Order entered approving trustee's report.
10/20	12	Order entered confirming the Plan.
10/22	13	Certificate of Readiness for Confirmation of Chapter 13 Plan.

Date	No.	Proceedings
1988		
5/2	14	Transcript of hearing dated October 26, 1987.
6/7	15	Praecipe to enter discharge order by David Searles, Esq.
6/9	16	Certificate of Mailing: Notice of Discharge
7/7	17	Certification of no objection to a discharge.
7/12	(15)	Order entered 7/8/88 discharging case. Notices mailed with info sheet.
10/19	18	Final report & account filed by trustee on 9/26/88
10/19		Closing report prepared

(E.D. BANKRUPTCY COURT No. 87-0737)

RELEVANT DOCKET ENTRIES

Date	No.	Proceeding
1987		
8/12	1	Complaint filed.
8/14	2	Summons issued. Answer date: 9/15/87. Trial date: 9/28/87.
9/21	3	Defendants Answer to Complaint.

Date	No.	Proceeding
9/23	4	Certification that all counsel have agreed to submit this matter on stipulation of facts and briefs. Counsel anticipate filing said stipulation by 10/30/87. The parties hope to file opening briefs no later than 11/30/87 and reply briefs no later than 12/15/87.
9/23	5	Entry of Appearance by John D. Blumenthal, Esq. on behalf of Court of CommonPleas of Bucks County and Adult Probation and Parole Dept. Answer to Complaint.
9/28		Complaint adjourned to 10/26/87.
10/26		Hearing re: HELD UNDER ADVISEMENT.
11/23	7	Plaintiff's Memorandum of Law in reply to letter of defendant Probation Dept.
12/1	8	Notice of status hearing to be held on 12/21/87 at 10:00 a.m.
12/21		Hearing re: Debtors Counsel to file certification of debtor intention whetheror not to proceed within 20 days.

Date	No.	Proceeding
1988		
1/5	9	Certification of debtor stating that they want to maintain action against the defendants.
3/8	10	OPINION AND ORDER entered that the obligation of debtors to make payments to Bucks County Adult Probation and Parole Dept. for the purpose of restitution to the Comm. of Pa. Dept. of Welfare represents a dischargeable unsecured debt. Any payments made by plaintiffs and received by defendants shall be turned over to the standing Ch. 13 Trustee.
3/18	11	Notice of Appeal of Opinion and order dated 3/8/88.
3/23	12	NOTICE OF APPEAL from the Order of 3/8/88 filed by Court of Common Pleas ofBucks County.
3/24	13	Defendants Designation of Contents of Record and Statement of Issued to be presented on appeal. (Comm. of Pa. Dept. of Welfare)
3/25	14	Defendants Adult Probation's Designation of Contents of Record and Statement of Issues to be presented.

(E.D. OF PENNSYLVANIA No. 88-3177)

RELEVANT DOCKET ENTRIES

Date	Proceedings
04/14	Certificate of appeal from order of Bankruptcy Judge entered on 3/08/88, filed.
07/29	Memorandum & Order that the Opinion of the Bankruptcy Court dtd. 3/8/88 is reversed for the reasons set forth in the memorandum attached, filed.
08/12	Appellants' notice of appeal, filed (USCA 88-1635)
08/25	Record complete for purposes of appeal - transcript not needed.

UNITED STATES BANKRUPTCY COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

In re EDWARD J. DAVENPORT, SR., a/k/a EDWARD DAVENPORT AND DEBORA A. DAVENPORT Debtor (set forth here all names including trade namesused by Debtor within last 6 years 166-42-6977 Social Security No. 162-44-6822 and Debtor's Employer Tax Identification No._____	Case No. 87-02395

CHAPTER 13
VOLUNTARY JOINT PETITION

1. Petitioners' mailing address, including county, is 8017 Frankford Avenue, Philadelphia, PA 19136 .

2. Petitioners have resided [or have had their domicile or have had their principal place of business or have had their principal assets] within this district for the preceding 180 days [or for a longer portion of the preceding 180 days than in any other district].

3. Petitioners are qualified to file this petition and are entitled to the benefits of title 11, United States Code as voluntary debtors.

4. A copy of petitioners' proposed plan, dated _____, is attached [or Petitioners intend to file a plan pursuant to chapter 13 of title 11, United States Code].

6. Petitioners are aware that they may proceed under chapter 7 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 13 of such title.

7. A declaration or an affidavit in the form of Exhibit B is attached to and made a part of this petition.

Signed: /s/ David A. Searles
Attorney for Petitioner

Address: DAVID A. SEARLES, ESQUIRE
COMMUNITY LEGAL SERVICES, INC.
3156 KENSINGTON AVENUE
PHILADELPHIA, PA 19134-2483

[Petitioners sign if not represented by attorney.]

_____,
Petitioners

We, EDWARD J. DAVENPORT and DEBORA A. DAVENPORT, the petitioners named in the foregoing petition, declare under penalty of perjury that the foregoing is true and correct.

Executed on: 4/13/87

Signature: /s/ Edward J. Davenport
Petitioner

Signature: /s/ Debora A. Davenport
Petitioner

EXHIBIT B

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:	
EDWARD J. DAVENPORT, SR., a/k/a EDWARD DAVENPORT & DEBORA A. DAVENPORT	Case No. _____
Debtors (set forth here all names including trade named used by Debtors within last 6 years)	
Social Security Nos.	
166-42-6977	
162-44-6822	
and Debtors' Employer Tax Identification Nos.	
_____	
_____	

_____
FOR COURT USE ONLY

_____
Date Petition Filed

_____
Case Number

_____
Bankruptcy Judge

I, David A. Searles, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioners that they may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

Executed on 5/12/87

/s/ David A. Searles
DAVID A. SEARLES
Attorney for Debtors

COMMUNITY LEGAL SERVICES, INC.
Law Center Northeast
3156 Kensington Avenue
Philadelphia, PA 19134-2483
(215) 427-4850

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:
EDWARD & DEBORA DAVENPORT, : CHAPTER 13

Debtors. : BKY. NO. 87-

CERTIFICATION AS TO PRIOR PETITION

I hereby certify that I am informed by the debtors that a Chapter 7 petition was filed in this district in April, 1979. I am not aware of the number of the case or the outcome.

_____

_____

/s/ David A. Searles
DAVID A. SEARLES
Attorney for Debtors

COMMUNITY LEGAL SERVICES, INC.
Law Center Northeast
3156 Kensington Avenue
Philadelphia, PA 19134-2483
(215) 427-4850

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:
EDWARD & DEBORA DAVENPORT, : CHAPTER 13

Debtors. : BKY. NO. 87-

STATEMENT UNDER BANKRUPTCY RULE 2016(2)

Pursuant to Bankruptcy Rule 2016(b), the undersigned, attorney for the debtors herein, states that he has received no compensation for services rendered or to be rendered. The debtors are being provided legal services at no charge, and it has been agreed that there will be no compensation for services rendered paid to the undersigned or any other entity.

DATED: 5/12/87

/s/ David A. Searles
DAVID A. SEARLES
Attorney for Debtors

COMMUNITY LEGAL SERVICES, INC.
Law Center Northeast
3156 Kensington Avenue
Philadelphia, PA 19134-2483
(215) 427-4850

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:
EDWARD & DEBORA DAVENPORT, : CHAPTER 13

Debtors. : BKY. NO. 87-

DEBTORS' STATEMENT OF INTENT
UNDER U.S.C. § 521(2)

The debtors intend to retain all property of the estate securing consumer debts

The debtors have claimed all property of the estate securing consumer debts as exempt

The debtors do not intend to redeem any property or reaffirm any debt

/s/ David A. Searles
DAVID A. SEARLES
Attorney for Debtors

COMMUNITY LEGAL SERVICES, INC.
Law Center Northeast
3156 Kensington Avenue
Philadelphia, PA 19134-2483
(215) 427-4850

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

EDWARD J. DAVENPORT, SR., a/k/a EDWARD DAVENPORT & DEBORA DAVENPORT,	:	CHAPTER 13
	:	BKY. NO. 87-02395F
Debtors	:	

CHAPTER 13 SUMMARY SHEET

I. LIABILITIES

A.	Total amount of all scheduled priority debts	$ 57.00
B.	Total amount of all scheduled secured debts (include the principal balance of each debt	$ 0.00
C.	Total amount of all scheduled unsecured debts	$12,751.14
D.	Total of A, B, &C (all scheduled debts)	$12,808.14
E.	Total number of creditors	#12

II. ASSETS

A.	Value of all real property	$ 300.00
B.	Value of all personal property	$ 9,400.00

C.	Value of all property not included in II. A & B above	$ 0.00
D.	Value of all property (A+B+C)	$ 9,700.00

III. BUDGET

A.	Total monthly income of debtors' household	$ 1,064.00
B.	Total monthly expenses of debtors' household	$ 1,037.00
C.	Amount to be paid to trustee	$ 10.00

IV PLAN

A.	Amount of each payment under plan	$ 10.00
B.	Furequency of payments (Specify)	$ monthly
C.	Total number of payments to be made	#12
D.	Length of Chapter 13 plan (specify)	12 months
E.	Total amount to be paid under plan	$ 120.00
F.	Amount of claim to be paid under plan excluding trustee's commission. Secured $0.00; Priority $_____ Unsecured $108.00; Attorney's Fee	$ 0.00

TOTAL:
$ 108.00

G. Amount of trustee's commission $ 12.00

H. Amount of attorney's fees: $ 0.00

- paid as of date petition filed $ 0.00

- to be paid under plan $ 0.00

- unpaid as of date petition filed $ 0.00

Social Security Number of Debtor No. 1:166-42-6977

Social Security Number of Debtor No. 2:162-44-6822

/s/ David A. Searles
DAVID A. SEARLES
Attorney for Debtors

COMMUNITY LEGAL SERVICE, INC.
Law Center Northeast
3156 Kensington Avenue
Philadelphia, PA 19134-2483
(215) 427-4850

support? (Give name, age, and relationship to you.)
Husband (or Debtor)

Wife

b. List all other dependents, other than present spouse, not listed in a, above. (Give name, age and relationship to you.)
Husband (or Debtor)

Wife

b.

H/Linda Marie Davenport, 12, daughter
Edward John Davenport, Jr., 11, son
W/ Same as above

4. Budget.

a. Give your estimated average future monthly income, if unmarried, otherwise for each spouse whether single or joint petition is filed, unless spouses are separated and a single petition is filed.

4.
a.

(1) Husband's (or Debtor's) monthly take home pay	(1). 710. Social Security
(2) Wife's monthly take home pay	(2). 0.00
(3) Other monthly income (specify)	(3). 354. to family in social security
Total	$1064.00

b. Give estimated average future monthly expenses of family (not including debts to be paid under plan), consisting of:

(1) Rent or home mortgage payment (include lot rental for trailer)	$48.00	$400.00
(2) Utilities (electricity, heat, Water $22.00, Telephone $25.00)		$115.00
(3) Food		$400.00
(4) Clothing		$ 40.00
(5) Laundry and cleaning		$ 15.00
(6) Newspapers, periodicals, and books (including school books)		$ 12.00
(7) Medical and drug expenses		
(8) Insurance (not deducted from wages)		
(a) Auto		
(b) Other		
(9) Transportation (not including auto payments to be paid under plan)		$ 30.00
(10) Recreation		$ 25.00
(11) Dues, union, professional, social or otherwise (not deducted from wages)		
(12) Taxes (not deducted from wages)		
(13) Alimony, maintenance, or support payments		
(14) Other payments for support of dependents not living at home		
(15) Religious and other charitable contributions		
(16) Other (specify)		
Total		$ 1037.00

c. Excess of estimated future monthly income (last line of Item 4a, above) over estimated future expenses (last line of Item 4b, above)

c. $27.00

d. Total amount to be paid each month under plan

d. $10.00

10a 17a

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c. Unsecured Debts. List all other debts, liquidated and unliquidated, including taxes, attorneys' fees, and tort claims

Creditor's name, account number and complete mailing address including zip code	Consideration or basis for debt	Amount claimed by creditor	If disputed, amount admitted by debtor	Husband or wife solely liable, or jointly liable
ɔt. of Public Welfare fice of FAIR). Box 8016 rrisburg, PA 17105-8016 tn: Mary B. Seiverling, Esquire	public assistance overpayment	$6883.80	$0.00	Jointly liable
iladelphia Electric ɔany)1 Market Street iladelphia, PA 19103	electric service	$ 950.00		" "
zareth Radiology Assoc. 3 Lakeside Drive rsham, PA 19044	medical services	$ 379.00		Husband solely liable
derick C. Cannatella, D.O.). Box J ion Street Station lmington, DE 19805	medical services	$ 150.00		" "
restone Consumer Services). Box 81315 AMF veland, OH 44181	charge card	$ 449.76		" "
eat American Financial). Box 64537 ltimore, MD 21264	spa membership	$ 748.17		Jointly liable
rawbridge & Clothier). Box 1708 iladelphia, PA 19105	charge card	$ 293.82		Wife solely liable
lon Bank (DE), N.A.). Box 8906 lmington, DE 19899	visa card	$1300.00		" " "
ntgomery Ward). Box 2396 ltimore, MD 21203	charge card	$ 196.59		" " "
nklin Readers Service). Box 8068-5115 iladelphia, PA 19177	magazine subscription	$ 500.00		Husband solely liable

CONTINUED ON NEXT PAGE ...

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ears, Roebuck & Co. O. Box 6970 iladelphia, PA 19132	charge card	$ 900.00	Wife solely liable
erk of Court cks County Courthouse ylestown, PA 18901	court costs	$ 217.00	Both liable

TOTAL UNSECURED DEBTS: $ 12,968.14

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UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

EDWARD J. DAVENPORT, SR., a/k/a EDWARD DAVENPORT & DEBORA DAVENPORT,	:	CHAPTER 13
	:	BKY. NO. 87-02395F
Debtors	:	

CHAPTER 13 PLAN OF THE DEBTORS

1. If the instant estate were liquidated under chapter 7 of the Bankruptcy Code, the allowed unsecured claimants would be paid in full.

2. Under this plan the allowed secured claimants will receive not less than that amount.

3. The debtors shall submit to the supervision and control of the trustee the following sum of $10.00 per month for 12 months.

4. The various claims of the debtors' creditors shall be classified as follows:

a. Class: 1: Claims filed and allowed which are entitled to priority under 11 U.S.C. § 507. The administrative expenses are the only priority claims contemplated by this plan. Any creditor entitled to priority under section 507 of the Bankruptcy Code contrary to the provisions of this plan shall be deemed to have agreed to waive any such priority, unless such entity objects to the plan.

b. Class 2: Claims filed and allowed which are secured by a lien which is not avoidable or void pursuant to the various provisions of the Bankruptcy Code. It is anticipated that there are no Class 2 claims that will be filed in this case.

c. Class 3: All other claims.

5. The payments received by the trustee from the debtors pursuant to this plan shall be distributed as follows:

b. Class 2 claims: After the application of the appropriate amount each month to the Class 1 claims, the entire amount of the monthly payment remaining in the hands of the trustee shall be distributed, pro rata, to the holders of the Class 2 claims until each such claimant shall have received 100% of the amount allowed on each such claim.

c. Class 3 claims: After the application of the appropriate amount each month to the Class 1 and Class 2 claims, the entire amount of the monthly payment remaining in the hands of the trustee shall be distributed, pro rata, to the holders of the Class 3 claims.

6. By failing to object to this plan, or any modification thereof, all creditors holding claims agree not to make any effort to collect their claims from any cosigner that may exist, so long as this case remains pending.

7. Confirmation of this plan shall constitute a finding that the plan constitutes the debtors' best effort under all the circumstances to pay their creditors, within the meaning of 11 U.S.C. § 727(a)(9).

8. Confirmation of this plan shall constitute a finding in accordance with 11 U.S.C. § 1322 that there is cause for extending the plan beyond three years. Confirmation shall also constitute approval of such extension. Such extension is essential to the success of the plan. Without it the plan would fail and claims would be paid in full.

9. The current defaults by the debtors on the Class 2 claims are waived and shall be cured by the completing of this plan.

10. The title to the property of the estate shall revest the debtors upon confirmation of this plan, and the debtors shall have sole right to use the possession thereof.

11. Confirmation of this plan shall constitute a finding and order that due to the debtor' low income, the trustee's fee should not exceed 10% of each monthly payment, even if that amount is less than $5.00 per month.

12. Any other money or property acquired by either the trustee or the debtors, or refunded from the trustee's percentage fees, while this case is pending shall be deemed exempt property of the debtors, if exemptable,

and shall be forthwith delivered to the debtors.

13. If the debtors default after filing of the petition, on any payment to a utility entitled to adequate assurance under 11 U.S.C. § 366, then that debt shall, upon application of said utility, become a Class 1 claim under this plan. This priority shall be deemed adequate assurance of the utilities' future payments.

14. Upon completion of this plan, all debts listed in the debtors' chapter 13 statement, except those excepted by 11 U.S.C. § 1328(a)(1) or (a)(2) shall be discharged.

/s/ David A. Searles
DAVID A. SEARLES
Attorney for Debtors

COMMUNITY LEGAL SERVICES, INC.
Law Center Northeast
3156 Kensington Avenue
Philadelphia, PA 19134-2483
(215) 427-4850

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	
EDWARD J. & DEBORA A. DAVENPORT, Debtors,	CHAPTER 13
EDWARD & DEBORA DAVENPORT 7926 FRANKFORD AVENUE PHILADELPHIA, PA 19136, Plaintiffs,	BKY. NO. 87-02395F
v.	ADV. NO. 87-
COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE OFFICE OF FAIR P.O. BOX 8016 HARRISBURG, PA 17105-8016 and COURT OF COMMON PLEAS OF BUCKS COUNTY ADULT PROBATION AND PAROLE DEPT. P.O. BOX 821 DOYLESTOWN, PA 18901, and EDWARD SPARKMAN, TRUSTEE SUITE 1254, PUBLIC LEDGER BLDG. 6TH & CHESTNUT STREETS PHILADELPHIA, PA 19106, Defendants.	

COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT

I. PRELIMINARY STATEMENT

This is an action brought by husband and wife debtors to determine the dischargeability of their debt to the defendant Pennsylvania Department of Public Welfare (DPW) for their fraudulent receipt of public assistance benefits.

II. JURISDICTION

2. This court has jurisdiction to hear this matter pursuant to 28 U.S.C. §§ 157 and 1334.

III. PARTIES

3. Plaintiffs are Edward and Debora Davenport, the debtors in this matter, who reside at 7926 Frankford Avenue, Philadelphia, PA 19136. They filed this Chapter 13 proceeding on May 15, 1987.

4. Defendant DPW is an agency of the Commonwealth of Pennsylvania.

5. Defendant Court of Common Pleas of Bucks County, Adult Probation and Parole Department (Probation Department) is the county agency that oversees the probation of adult offenders in Bucks County.

6. Defendant Edward Sparkman is the Chapter 13 Trustee in this matter and as such is required to be named in this action.

7. On September 17, 1986, plaintiffs were sentenced by the Court of Common Pleas of Bucks County to one year probation on the condition that they make restitution in the amount of $2072.40 by September 17, 1987. This sentence was based on the debtor's fraudulent receipt of public assistance benefits.

8. The debtors were each ordered to pay the restitution at the rate of $208.00 per month beginning December, 1986. See letter of December 3, 1986 from Beverly Elsner, Restitution Bookkeeper, to plaintiffs, attached hereto as Exhibit A.

9. The debtors have made no payments to the Probation Department because their income does not permit that expense.

10. The debtors have listed this restitution debt in their Chapter 13 Statement.

11. On July 2, 1987, the defendant Probation Department wrote to the debtors and notified them of a pre-violation hearing scheduled for August 6, 1987. A copy of the July 2 letter is attached hereto as Exhibit B.

12. Debtor's counsel wrote back to the Probation Department, on July 20, 1987, advising it of pending legal issues involving the discharge-ability of the debt and requested defendant to withdraw the probation violation charges against the debtors until the legal issues have been resolved. A copy of that letter is attached hereto as Exhibit C.

13. The Probation Department proceeded with the pre-violation hearing on August 6 and indicated that it will schedule a violation of probation hearing within the next month or two.

14. The debt owed to DPW and currently being enforced and attempted to be collected by the Probation Department is a dischargeable debt within the meaning of the Bankruptcy Code.

WHEREFORE, plaintiffs request the following relief:

1. That this court declare that DPW's claim for restitution is a dischargeable debt in this bankruptcy case;

2. That this court enjoin the Probation Department from taking any further action or attempt to collect the restitution debt from the debtors; and

3. That this court order such further relief as is necessary in the interests of justice.

/s/ David A. Searles
DAVID A. SEARLES
Attorney for Debtors/Plaintiffs

COMMUNITY LEGAL SERVICES, INC.
Law Center Northeast
3156 Kensington avenue
Philadelphia, PA 19134-2483
(215) 427-4850

(Certificate of Service Omitted in Printing.)

Adult Probation and Parole Department

COURT OF COMMON PLEAS OF BUCKS COUNTY

Seventh Judicial District
of Pennsylvania Bucks County Courthouse
P.O. Box 821,
Doylestown, Pennsylvania 18901
(215) 348-6634

Francis V. Crumley
Chief Adult Probation
& Parole Officer

Isaac S. Garb
President Judge

December 3, 1986

Edward Davenport
Debra Davenport
8017 Frankford Ave.
Phila., PA. 19136

Dear Mr. & Mrs. Davenport:

On Sept. 17, 1986, you were sentenced to 1 yr. probation with the stipulation that you make restitution in the amount of $2,072.40 by Sept. 17, 1987.

So that you will be able to more easily complete your restitution obligation, you should send monthly payments in the amount of $208.00 by the 15th of each month, making your first payment on Dec., 1986.

You can make your check or money order payable to the Adult Probation Dept. and mail it to Post Office Box 821, Doylestown, PA. 18901.

EXHIBIT A

If you have any questions concerning this matter, please do not hesitate to contact me, as you must complete this restitution obligation in order not to violate your probation.

Sincerely,

/s/ Beverly Elsner

Beverly Elsner
Restitution Bookkeeper

:be
cc file
P.S. Please be advised that you were each ordered to pay restitution in the amount of $2,072.40. In order to have the obligation paid in full by your termination date, payments would have to be make in the amount of $208.00/mo. per individual. Balance remaining on termination date will mean the case will have to go back to Court.

Adult Probation and Parole Department

COURT OF COMMON PLEAS OF BUCKS COUNTY

Seventh Judicial District
of Pennsylvania Bucks County Courthouse
P.O. Box 821,
Doylestown, Pennsylvania 18901
(215) 348-6634

Francis V. Crumley
Chief Adult Probation
& Parole Officer

Isaac S. Garb
President Judge

Mr. Edward Davenport
Mrs. Edward Davenport
8017 Frankford Avenue
Philadelphia, PA. 19136

RE: Bill Nos. 3154, 3155/86

Dear Mr. and Mrs. Davenport:

By this letter, you are directed to appear at the Bucks County Adult Probation Department on Thursday, August 6, 1987, at 9:30 a.m. for a pre-violation (Gagnon I) hearing. You have been charged with violating your probation/parole as follows:

1. Failure to pay restitution.

Please be advised that you may be represented by counsel at this hearing if you so desire. It is your responsibility to make these arrangements. If you desire to be represented by counsel and cannot afford counsel, contact the Public Defender's Office immediately.

EXHIBIT B

At the time of the hearing you will be able to present evidence and witnesses in your behalf. You will have the opportunity to hear any evidence against you and confront any adverse witnesses.

You may elect to waive this hearing by signing the waiver below and returning it to the Probation Department. If you waive the pre-violation hearing, a violation hearing (Gagnon II) will be scheduled before the Judge who initially sentenced you. All alleged violations will then be heard by that Judge.

If you fail to appear for this hearing, it shall be deemed that you have consented to have the hearing proceed in your absence. The hearing may also be postponed for good cause. You must contact the probation Department prior to the hearing to request such a continuance.

Sincerely,

/s/ Paul L. Ferlise

Paul L. Ferlise
Adult Probation/Parole Officer

/s/ R. Keith Galloway

R. Keith Galloway
Supervisor

:cng
cc:File

WAIVER OF GAGNON I

I hereby waive the previously outlined Gagnon I hearing. This decision is made freely and voluntarily and with full knowledge of the consequences of this waiver.

_____ _____

Date Signature

COMMUNITY LEGAL SERVICES, INC.
Law Center Northeast
Flomar Building
3156 Kensington Avenue
Philadelphia, PA 19134-2483
215-427-4850

July 20, 1987

R. Keith Galloway, Supervisor
Adult Probation and Parole Department
Court of Common Pleas of Bucks County
Bucks County Courthouse
P.O. Box 821
Doylestown, PA 18901

RE: Edward & Dabora Davenport
Bill Nos. 3154, 3155/86

Dear Mr. Galloway:

This letter will confirm our telephone conversation of July 16, 1987.

I informed you that Mr. and Mrs. Davenport, who have been charged with violating probation/parole for failure to pay restitution, have filed for bankruptcy in Philadelphia. A copy of their petition is enclosed.

I also brought to your attention the recent Philadelphia Bankruptcy Court case of Steffler v. Pennsylvania Department of Public Welfare, a copy of which is also enclosed. This case holds that a Chapter 13 bankruptcy debtor can discharge a restitution debt arising out

EXHIBIT C

of welfare fraud. This case has been appealed by the Pennsylvania Department of Public Welfare so the question of dischargeability of the debt is not finally settled. However, I believe it is at least a close enough question that your Probation Department should seriously consider withdrawing the charges against the Davenports until the courts have decided the matter.

The Davenports will be applying to the Bucks County Public Defender for representation in this matter. They will consult with their counsel as to whether they wish to waive their rights to the pre-violation hearing.

Very truly yours,

/s/ David A. Searles

DAVID A. SEARLES

DAS/js
Enclosures

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re	:	
EDWARD and DEBORA	:	
DAVENPORT	:	CHAPTER 13
Debtor	:	Case No. 87
	:	02395F
EDWARD & DEBORA	:	
DAVENPORT	:	
Plaintiff,	:	
	:	
v.	:	
	:	
COMMONWEALTH OF PENN.	:	
DEPT. OF PUBLIC WELFARE	:	
COURT OF COMMON PLEAS	:	
OF BUCKS COUNTY	:	
Defendant	:	
	:	
and EDWARD SPARKMAN,	:	
Trustee	:	Adversary
	:	Proceeding
	:	No. 87-0737

DEPARTMENT OF PUBLIC WELFARE'S ANSWER TO COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT

AND NOW, comes the Commonwealth of Pennsylvania, Department of Public Welfare, and answers the complaint as follows:

1. Admitted in part; Denied in part. It is admitted that the action is brought by husband and wife debtors. It

is admitted that the debtors fraudulently received public assistance benefits. It is admitted that the action is brought to determine dischargeability of an obligation. It is denied that the criminal restitution obligation is a debt within the meaning of the Bankruptcy Code.

2. Denied. It is specifically denied that the bankruptcy court has jurisdiction to entertain a complaint seeking to enjoin a state criminal court proceeding.

3. Admitted.

4. Admitted.

5. The averments of paragraph 5 do not require a response by the answering defendant.

6. Admitted.

7. Admitted. By way of further answer, it is averred that the sentence was based not only upon the debtors' guilty plea to fraudulent receipt of public assistance benefits, but was also based upon the debtors ability to pay restitution. The order of restitution was, in itself, a sentence.

8. Admitted.

9. Admitted in part; Denied in part. It is admitted that no payments have been made. It is denied that their income does not permit that expense. To the contrary, the restitution payments were set at a level determined by the court to be within their means.

10. The Commonwealth of Pennsylvania, Department of Public Welfare does not have a copy of the Chapter 13 statement, and thus is without information with regard to the

averments of paragraph 10. The same, therefore, are denied.

11-13. The averments of paragraphs 11, 12, and 13 do not require a response by the answering defendant.

14. Denied.

WHEREFORE, the Commonwealth of Pennsylvania, Department of Public Welfare, prays this Honorable Court dismiss the adversarial complaint.

DATE: September 11, 1987

/s/ Mary B. Seiverling
Mary Benefield Seiverling
Assistant Counsel
Pa. Department of Public Welfare
Office of Fraud and Abuse
Investigation and Recovery
P.O. Box 8016
Civil Recovery Division
Harrisburg, PA 17105-8016
Attorney I.D. #36520
(717) 783-7783

(Certificate of Service Omitted in Printing.)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	
EDWARD J. & DEBORA A. DAVENPORT,	:	CHAPTER 13
debtors	:	BKY. NO. 87-02395F
EDWARD & DEBORA DAVENPORT,	:	ADVERSARY
plaintiffs	:	NO. 87-0737
v.	:	
COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE; COURT OF COMMON PLEAS OF BUCKS COUNTY, ADULT PROBATION AND PAROLE DEPARTMENT; EDWARD SPARKMAN, TRUSTEE,	:	
defendants	:	

ANSWER OF DEFENDANT
COURT OF COMMON PLEAS
OF BUCKS COUNTY, ADULT PROBATION
AND PAROLE DEPARTMENT

Defendant Court of Common Pleas of Bucks County, Adult Probation and Parole Department, by its attorney, John D. Blumenthal, as follows:

1. No answer required.

2. Denied as a conclusion of law.

3-5. Admitted.

6. Admitted that the defendant Edward Sparkman is the Trustee in this matter; the remaining allegations of paragraph 6 are denied as a conclusion of law.

7-13. Denied. After reasonable investigation, answering defendant is without sufficient information with which to admit or deny the allegations of the foregoing paragraphs. Proof thereof is therefore demanded at trial, if relevant.

14. Denied as a conclusion of law.

WHEREFORE, answering defendant respectfully requests that the Court dismiss plaintiff's Complaint.

AFFIRMATIVE DEFENSES

15. Restitution is not a debt subject to discharge under the Bankruptcy Code.

16. Restitution is an exception to those debts dischargeable in bankruptcy under 11 U.S.C. § 523(a)(7). See Kelly v. Robinson, 107 S.Ct. 353 (1986).

WHEREFORE, answering defendant respectfully requests that the Court dismiss plaintiff's complaint.

Respectfully submitted,

/s/ John D. Blumenthal
JOHN D. BLUMENTHAL
Assistant County Solicitor
Bucks County Courthouse
Doylestown, PA 18901
(215) 348-0880

(Certificate of Service Omitted in Printing.)

COMMONWEALTH OF PENNSYLVANIA :
ss
COUNTY OF BUCKS :

John D. Blumenthal, having been duly sworn according to law, deposes and says that he is the attorney in the above entitled action and that the facts set forth in the foregoing Answer are true and correct to the best of his knowledge, information and belief.

/s/ John D. Blumenthal

Sworn to and subscribed before
me this 21st day of September, 1987.

/s/ Judith R. Blumenthal
NOTARY PUBLIC

My commission expires:
Judity R. Blumenthal, Notary Public
Doylestown Borough, Bucks County
My Commission Expires Jan. 27, 1990.
Member, Pennsylvania Association of
Notaries

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re	:	Chapter 13
EDWARD J. DAVENPORT, SR.	:	
a/k/a EDWARD DAVENPORT	:	
and DEBORA A. DAVENPORT	:	
Debtors	:	Bankruptcy
	:	No. 87-02395F
_____	:	
EDWARD & DEBORA	:	
DAVENPORT	:	
Appellees	:	
	:	
v.	:	
	:	
COMMONWEALTH OF PENN-	:	
SYLVANIA, DEPARTMENT	:	
OF PUBLIC WELFARE	:	
and COURT OF COMMON	:	
PLEAS OF BUCKS COUNTY,	:	
ADULT PROBATION AND	:	
PAROLE DEPT. and EDWARD	:	
SPARKMAN, TRUSTEE	:	
Appellants	:	Adversary
	:	No. 87-0737F
_____	:	

STIPULATION FOR SUPERSEDEAS

Edward J. Davenport, Sr. and Debora A. Davenport ("Debtors") and the Department of Public Welfare of the Commonwealth of Pennsylvania ("DPW"), the Court of Common Pleas of Bucks County, Adult Probation and Parole Department ("Adult Probation"), and-

Edward Sparkman, Esquire, Standing Chapter 13 Trustee, do hereby stipulate and agree as follows:

1. On September 7, 1986, Debtors entered guilty pleas to the crime of welfare fraud in the Bucks County Court of Common Pleas.

2. On May 15, 1987, Debtors filed a voluntary petition in bankruptcy under Chapter 13.

3. On August 12, 1987, Debtors commenced an adversary proceeding seeking determination of the dischargeability of their criminal restitution obligations.

4. On March 8, 1988, the Honorable Bruce Fox, entered an order set forth as Exhibit "A" and incorporated herein by reference ("Order") which order resolved the adversary proceeding.

5. On March 18, 1988, DPW appealed from the Order.

6. On March 23, 1988, Adult Probation appealed from the Order.

7. The parties stipulate and agree that the Order should be stayed pending appeal under the following terms:

a) Debtors shall continue to make the court-order restitution payments;

b) Debtors shall make the payments to their attorney who will hold said funds in escrow;

c) Any payments made by Debtors to Adult Probation shall be forwarded to Debtors' attorneys, to be held in escrow;

d) Failure of Debtors to make payments to Adult Probation shall not result in the scheduling of a violation of probation hearing;

e) Any failure of Debtors to make payments under this stipulation shall not render the appeals from the Order moot.

8. When all appeals from the Order have ended, the escrowed funds will be relinquished to the prevailing party unless otherwise ordered by court or by further agreement of the parties.

9. Any discharge received by the Debtors under § 1328 shall not discharge the Debtors' criminal restitution unless and until all appeals from the Order have ended and the Debtors have prevailed.

April 11, 1988
DATE

/s/ Mary B. Seiverling
MARY B. SEIVERLING
Deputy Attorney General
Office of Attorney General
Litigation Section
15th Floor - Strawberry Square
Harrisburg, PA 17120
Counsel for Department of
Public Welfare

DATE

DAVID A. SEARLES,
Community Legal
Services, Inc.
Law Center Northeast
3156 Kensington Avenue
Philadelphia, PA 19134-
1483

Counsel for the debtors/
appellees
Edward Davenport and
Debora Davenport

DATE

EDWARD SPARKMAN, ESQUIRE
1254 Public Ledger Bldg.
6th and Chestnut Streets
Philadelphia, PA 19106
Standing Chapter 13
Trustee

DATE

MICHAEL A. KLIMPL,
ESQUIRE
Assistant County
Solicitor
Bucks County Courthouse
Doylestown, PA 18901
Counsel for Appellants,
Court of
Common Pleas of Bucks
County,
Adult Probation and
Parole Department

This Stipulation is hereby approved by the Court.

BRUCE FOX
Bankruptcy Judge

DATE: April , 1988

Copies to be distributed to counsel on attached list.

EDWARD DAVENPORT
DEBORA DAVENPORT

Chapter 13
Bankruptcy No. 87-02395F
Adversary No. 87-0737F

cc: David A. Searles, Esq.
Community Legal Services, Inc.
Law Center Northeast
3156 Kensington Ave.
Philadelphia, PA 19134-1483

Edward Sparkman, Esq.
1254 Public Ledger Bldg.
6th and Chestnut Sts.
Philadelphia, PA 19106

Michael A. Klimpl, Esq.
Assistant County Solicitor
Bucks County Courthouse
Doylestown, PA 18901

Mary B. Seiverling
Deputy Attorney General
Office of Attorney General
15th Floor - Strawberry Sq.
Harrisburg, PA 17120

DATE:

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re	:	Chapter 13
EDWARD J. DAVENPORT, SR.:		
a/k/a EDWARD DAVENPORT	:	
and DEBORA A. DAVENPORT	:	
Debtors	:	Bankruptcy
	:	No. 87-02395F
_____	:	
EDWARD & DEBORA	:	
DAVENPORT	:	
Plaintiffs	:	
	:	
v.	:	
	:	
COMMONWEALTH OF PENN-	:	
SYLVANIA, DEPARTMENT	:	
OF PUBLIC WELFARE	:	
and COURT OF COMMON	:	
PLEAS OF BUCKS COUNTY,	:	
ADULT PROBATION AND	:	
PAROLE DEPT. and EDWARD	:	
SPARKMAN, TRUSTEE	:	
Defendants	:	Adversary
	:	No. 87-0737F
_____	:	

. . . . . .

O R D E R

. . . . . .

AND NOW, this 8 day of March, 1988, upon consideration, it is hereby ORDERED that the obligation of the debtors to make payments to the Buck

EXHIBIT "A"

County Adult Probation and Parole Department for the purposes of restitution to the Commonwealth of Pennsylvania Department of Public Welfare represents a dischargeable, unsecured debt in this chapter 13 case. Any payments made by plaintiffs and received by defendants shall be turned over to the standing chapter 13 trustee.

/s/ Bruce Fox
BRUCE FOX
United States Bankruptcy
Judge

IN THE CRIMINAL COURT OF THE
COUNTY OF BUCKS

Criminal Action No. 3154 1986

COMMONWEALTH OF PENNSYLVANIA

VS.

DEBORAH A. DAVENPORT

THE District Attorney of Bucks County by this information charges that, on or about the 4/10/85 & Divers times prior, specifically 9/26/84 to 4/10/85 in said County, one DEBORAH DAVENPORT

(1) PUBLIC ASSISTANCE LAWS (90030)(481) F3° did, by means of willfully false statement of mispresentation attempt to secure Public Assistance monies in the amount of more than Three Hundred Dollars ($300.00), to wit, $4,144.80

(2) PUBLIC ASSISTANCE LAWS (90030)(481) M1° did, by means of willfully false statement of misrepresentation secure Public Assistance monies in the amount of $2,853.80,

(3) PUBLIC ASSISTANCE LAWS (90030)(481) M2° did, by means of willfully false statement of misrepresentation secure Food Stamps in the amount of $1,291.00,

all of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

/s/_____
District Attorney
Alan M. Rubenstein

BUCKS COUNTY
SENTENCE SHEET

COMMONWEALTH: Deborah Davenport

NO. 86-3154

JUDGE: Isaac S. Garb

CLERK: Betty

D.A.: Laura Cianculli

PD/DEF: _____

NOTES BY: John

DATE: 9/17/86

/s/ Isaac S. Garb
J.

BUCKS COUNTY PRISON

On Information No._____19__ the Court (having received or waives a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment in the Bucks County Prison for not lease than ____ nor more than ____ and stand committed until sentence is complied with. Credit it to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1406 (b) and (c).

STATE PENITENTIARY

On Information No._____19__ the Court (having received or waives a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment for not less than ____ years nor more than ____ years in a State Correctional Institution as shall be designated by the Bureau of Correction and, therefore, sent to the Correction Diagnostic and Classification center in Graterford, Pa., for this purpose. Credit is to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing code of 1974 and by Pa. Rule of Criminal Procedure 1406 (b) and (c).

Defendant is directed to stand committed until judgment by fully complied with.

ARD

On Information No.____ 90__ the defendant having waived his right to a speedy trial is release on probation for a period of _____ months upon the following conditions. Defendant is directed to pay court costs and make restitution in the sum of $____ within a period of _____ months, and shall follow all specific conditions as hereinafter set forth.

INFORMATION NO. 3154 19 86

The defendant is released on probation for a period of 1 year under the supervision of the (Bucks County Probation Officer or State Parole Board) from the following conditions. Defendant to pay within 30 days cost of prosecution and in lieu of a fine pay $_____ for the use of the County of Bucks (and make restitution in the sum of $2,072.40 in monthly installments of $_____ by making payment to his probation officer) and abide by the rules and regulations laid down by his probation officer, obey the law in all other respects and stand committed until the same be complied with.

BENCH WARRANT

Upon motion of the District Attorney a bench warrant is issued for the attachment of_____.

CONSECUTIVE SENTENCES

The sentence heretofore imposed on Information No.____ 19__ is to begin and take effect at the expiration of the minimum sentence imposed on Information No.___ 19____, and, therefore, the sentence to be served by the defendant for the total of all offenses with respect to which sentence is imposed is a minimum of not less than _____ years or a maximum of _____ years.

SUSPENDED SENTENCE

On Information No._____ 19__ defendant is directed to pay the cost of prosecution and sentence is suspended.

SENTENCE - WOMEN - MUNCY

The Court finding the defendant _____ to be a female over the age of 16 years, (having received or waives a pre-sentence investigation) orders and directs that the undergo confinement in the state industrial home for women at Muncy, Pa., for a period of not less than _____ years nor more than _____ years and there to be fed, clothed and treated in all respects as provided by law and stand committed until the same be complied with. Credit is to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1406 (b) and (c).

GUILTY WITHOUT FURTHER PENALTY

On Information No. ____ 19____, the Court finding that no useful purpose would be served by imposing an order of probation, the Court hereby orders and directs the defendant to pay the cost of prosecution and imposes the sentence of guilty without further penalty.

FINE ONLY

On Information No. _____ 19____, the Court finding that the defendant is able to pay a fine orders and directs the defendants to pay the cost of prosecution and a fine in the sum o $_____ to the Commonwealth for the ue of the (State Treasurer or the County of Bucks). The total fine and costs are to be paid in _____ equal monthly installments.

SPECIAL PROVISIONS:

IN THE CRIMINAL COURT OF THE
COUNTY OF BUCKS

Criminal Action No. 3155 1986

COMMONWEALTH OF PENNSYLVANIA

VS.

EDWARD J. DAVENPORT

THE District Attorney of Bucks County by this information charges that, on or about the 4/10/85 & divers times specifically 9/26/84 to 4/10/85 in said County, one EDWARD DAVENPORT

(1) PUBLIC ASSISTANCE LAWS (90030)(481) F3° did, by means of willfully false statement of mispresentation attempt to secure Public Assistance monies in the amount of more than Three Hundred Dollars ($300.00), to wit, $4,144.80

(2) PUBLIC ASSISTANCE LAWS (90030)(481) M1° did, by means of willfully false statement of misrepresentation secure Public Assistance monies in the amount of $2,853.80.

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all of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

/s/
District Attorney
Alan M. Rubenstein

BUCKS COUNTY
SENTENCE SHEET

COMMONWEALTH: Edward J. Davenport

NO. 86-3155

JUDGE: Isaac S. Garb

CLERK: Betty

D.A.: Laura Cianculli

PD/DEF: Eric Kadish

NOTES BY: John

DATE: 9/17/86

/s/ Isaac S. Garb
J.

BUCKS COUNTY PRISON

On Information No._____19__ the Court (having received or waives a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment in the Bucks County Prison for not lease than ____ nor more than ____ and stand committed until sentence is complied with. Credit it to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1406 (b) and (c).

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The defendant is released on probation for a period of 1 year under the supervision of the (Bucks County Probation Officer or State Parole Board) from the following conditions. Defendant to pay within 30 days cost of prosecution and in lieu of a fine pay $_____ for the use of the County of Bucks (and make restitution in the sum of $2,072.40 in monthly installments of $_____ by making payment to his probation officer) and abide by the rules and regulations laid down by his probation officer, obey the law in all other respects and stand committed until the same be complied with.

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FINE ONLY

On Information No. _____ 19____, the Court finding that the defendant is able to pay a fine orders and directs the defendants to pay the cost of prosecution and a fine in the sum of $_____ to the Commonwealth for the ue of the (State Treasurer or the County of Bucks). The total fine and costs are to be paid in _____ equal monthly installments.

SPECIAL PROVISIONS

CLIENT # 166 42 6977

ADULT PROBATION AND PAROLE DEPARTMENT

COUNTY OF BUCKS

INTERVIEWER FT.

DATA/HISTORY SHEET

DATE 9/17/86

Name	Address #1	House ☐ Apt. ☐	Munic.
DAVENPORT: Edward	8017 Frankford Ave. Phila., PA. 19136		
Alias/Nickname	**Address #2**	**Tel #** N/A	**Type**
N/A		**Address #3**	

Race	Sex	Hgt.	Wt.	Eyes	Hair	Citizen	Age	D.O.B.	Mrtl. Stat.
W	M	6'9"	258	grn.	brn.	USA	38	3/7/48	married

S.S. #	OTN #	FBI #	SPN #
166 42 6977	B552933-3		

Auto	Year	Color	Plate #	Operator #	State
'77 Chevy Impala					PA. license

PRIOR RECORD

Sent. Date	Place	Offense	Disposition
N/A			

PRESENT OFFENSE

Co./State Origin	Term & No.	Offense	Offense Class.	Prosecutor
	3155/86	Public Assistance Laws	F3	DPW Office

Summary (Include date & time of offense):

Defraud willfully, misrepresentation and food stamps laws

Wife is co-def, also rec'd probation

COURT DATA

Date of Sentence	Judge	ADA	Plea (X)
9/17/86	Garb	Cianculli	Trial by Judge ( )
		Def. Kadish	Trial by Jury ( )

Disposition	Fine	Costs	Restitution	Victim
1 yr. probation		117.16	$2,072.40	DPA

Special Conditions:

Pay costs w/in 30 days.

Pay restitution of $2,072.40.

Restitution Pay Schedule:

Probation Begins	Probation Expires	Parole Data	Parole Expires
9/17/86	9/17/87	Eff. Date / Parole Date	

146a 70a

Name	Relationship	Address	Phone #	Age
Debra	wife	same as P.		

EMPLOYMENT HISTORY

Employer Address	Phone #	Work Hrs/Days	Occupation	Dates	Wage
Welfare= Currently collects $41.00 a wk. Claims only source of income. (this should be checked out)					

EDUCATION

Highest Grade Completed 12th Date _____

Name/Address School Graduated Lincoln H.S.

Other _____

SERVICE RECORD

Branch U.S. Army I.D. # _____

Dates _____ Rank _____

DISCHARGE Honorable discharge

Tour of Duty Viet Nam, Korea

ADDICTION HISTORY

Drugs ( ) Alcohol ( ) None (X)

Comments _____

TREATMENT PROGRAM INVOLVEMENT

N/A

P receives medical treatment for back pr

CLASSIFICATION INFORMATION

CMC Class.	CMC Date	Risk Score	Needs Score	Level of Supv.	Supervisor Override Yes ___ No ___
Reason (if "yes" to override)					Date Override

Risk Reass. Score	Date	Needs Reass. Score	Date	PO #	Supv. #	Assess. Level	Supv. Over. Yes No	Level of Supv.

TERMINATION INFORMATION

Date Terminated _____ Final R/A Score _____

Date Terminated _____ Final N/A Score _____

REMARKS: _____

1472 71a

CLIENT # 162 44 6822

ADULT PROBATION AND PAROLE DEPARTMENT

COUNTY OF BUCKS

INTERVIEWER FL

DATA/HISTORY SHEET

DATE 9/17/86

Name	Address #1	House ☐ Apt. ☐	Munic.
DAVENPORT: Debra	~~3021~~ 7926 Frankford Ave. Phila., PA. 19136		
Alias/Nickname	**Address #2**	**Tel #**	**Type**
N/A		N/A	
		Address #3	

Race	Sex	Hgt.	Wt.	Eyes	Hair	Citizen	Age	D.O.B.	Mrtl. Stat.
W	F	5'1"	140	blue	brn	USA	31	6/18/55	married

F.S. #	OTN #	FBI #	SPN #
162 44 6822	B552934-4		

Auto	Year	Color	Plate #	Operator #	State
N/A					PA. license valid

PRIOR RECORD

Sent. Date	Place	Offense	Disposition
N/A			

PRESENT OFFENSE

Co./State Origin	Term & No.	Offense	Offense Class.	Prosecutor
	3154/86	Public Assistance Laws	F3	DPW

Summary (Include date & time of offense):

co-def. to husband. P violated laws of DPW fradulantly and received food stamps.

COURT DATA

Date of Sentence	Judge	ADA	Plea (X)
9/17/86	Garb	Cianculli	Trial by Judge ( )
		Def. N/A	Trial by Jury ( )

Disposition	Fine	Costs	Restitution	Victim
1 yr. prob.		122.16	$2,072.40	DPW

Special Conditions:

Pay ocurt costs w/in 30 days.

Pay restitution of $2,072.40.

Restitution Pay Schedule:

Probation Begins	Probation Expires	Parole Date	Parole Expires
9/17/86	9/17/87	EM. Date Parole Date	

D-1

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FAMILY

Name	Relationship	Address	Phone #	Age
Edward	husband	same as P.		

EMPLOYMENT HISTORY

Employer Address	Phone #	Work Hrs/Days	Occupation	Dates	Wage
Dr. Groman Paneonis			medical assistant	1 yr.	$5.50/hr.
8019 Frankford Ave.					
Phila., PA.					

EDUCATION

Highest Grade Completed _____ Date _____

Name/Address School _____

GED. '85

Other _____

SERVICE RECORD

Branch N/A I.D. # _____

Dates _____ Rank _____

DISCHARGE _____

Tour of Duty _____

ADDICTION HISTORY

Drugs ( ) Alcohol ( ) None (X)

Comments _____

TREATMENT PROGRAM INVOLVEMENT

N/A

CLASSIFICATION INFORMATION

CMC Class.	CMC Date	Risk Score	Needs Score	Level of Supv.	Supervisor Override Yes ___ No ___

Reason (if "yes" to override) _____ Date Override _____

Risk Reass. Score	Date	Needs Reass. Score	Date	PO #	Supv. #	Assess. Level	Supv. Over. Yes No	Level of Supv.

TERMINATION INFORMATION

Date Terminated _____ Final R/A Score _____

Date Terminated _____ Final N/A Score _____

REMARKS: _____

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